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Abstract

In *International Criminal Tribunals and Domestic Accountability: In the Court's Shadow*, Labuda offers a nuanced analysis of the theoretical concept of complementarity, elucidating its role and significance for domestic accountability in international criminal justice. The book expertly explores International Criminal Tribunals' shadows and how their responses to international crimes are handled at domestic jurisdictions. Empirical case studies concerning Rwanda, the Democratic Republic of Congo and Sierra Leone are investigated in extricating the synergies in the complex interactions of international tribunals and national jurisdictions in addressing international crimes of a serious nature. The relevance of the book is in its evaluation of present attitudes in law and among relevant stakeholders - mainly states and International Criminal Tribunals for robust and effective responses in enforcing international justice.

Keywords

Accountability; complementarity; domestic justice; international criminal tribunals; international criminal justice; Democratic Republic of Congo; Rwanda; Sierra Leone.

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Review

International Criminal Tribunals and Domestic Accountability: In the Court's Shadow by Patryk Labuda is a remarkable attempt to confront the sensitivities and much-debated complexities arising in the dichotomous relationship between International Criminal Courts and national legal systems in handling international crimes in upholding the rule of law and curbing impunity. With a shift over the decades in international criminal law where International Criminal Tribunals (ICTs) were regarded as dominant institutions over national state legal systems in redressing international crimes, Labuda embarks on the historical developments, analysing the recent paradigm changes in practice and theoretical frameworks in international criminal law. The new emphasis accords and recognises states' primacy in prosecuting most serious crimes that concern the international community, mandated through the *Rome Statute* and the International Criminal Court (ICC). Using the promise of domestic accountability enshrouded with the notion of complementarity associated with states' priority to prosecute serious crimes embedded in the ICC's institutional design, Labuda introduces the book with developments in the paradigm shift in the international criminal justice system, where the ideation of positive complementarity is streamlined towards prosecutions of domestic crimes falling under the auspices of domestic legal systems and institutions. He embarks the reader on a journey of transcendency in shaping interactions between ICTs and national actors in combating lawlessness for national crimes that bear international criminal law crimes' character. Labuda expresses his perspective on the role of ICTs as casting "shadows" over states in motivating them in the fight against partiality for international serious crimes committed domestically.[1]

The initial chapter succinctly sets the theoretical, historical, legal theoretical interpretations, methodologies applied, and distinct elaborations on what the book intends to unravel. The central question that the book addresses is how domestic accountability has overshadowed the fantasy of ICTs. It attempts to determine the result of this paradigm shift from dominance of international courts on international serious crimes to national trials in the global efforts in combating impunity. Adopting grounded theory, the research assesses when, why and how tribunals influence the domestic accountability process and conversely how states influence the actions of tribunals.[2] A comparative analysis of ICT-state relations is adopted through the acknowledgement of the contextual and specific nature of states'

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1 Labuda *International Criminal Tribunals and Domestic Accountability* 27-28.

2 Labuda *International Criminal Tribunals and Domestic Accountability* 12.

accountability processes, to that primary and secondary sources are used to determine the connections between actions of state actors and ICT.

Against a backdrop of the positive complementarity turn, known as a shift towards domestic enforcement of international criminal law, Labuda examines whether and how the shadow of ICTs mobilises states to fight impunity at the national level. It considers whether international tribunals encourage states to carry out domestic prosecutions of international crimes and evaluates the ICC's performance in comparison to other tribunals that had primacy. In undertaking the analysis, the book uses three case studies to examine the complex relationship between international intervention and domestic accountability. In this regard, Labuda examines the sources, justifications and outcomes of complementary turn – which he coins as a paradigm turn in favour of national trials as the ultimate objective of international criminal justice. It illuminates international criminal law enforcement long-term trends and interrogates the result of a shift in favour of domestic accountability as the last resort of the global anti-impunity project.[3]

According to Labuda, the (positive) complementarity turn from the intricacies and decline in international trials of national crimes is a realignment to shift to domestic enforcement of the law on genocide, crimes against humanity and war crimes. This turn in international criminal justice captures a change founded on an increasingly consensus modus vivendi between ICTs and states.[4] It is constitutive of three elements where states function as primary enforcement actors in the battle against impunity. Labuda argues that ICTs prioritising cooperation with state actors in fostering domestic accountability results in ontological shifts in international criminal justice as a field of practice geared towards enhancing states capacities.[5] In elaborating the way ICTs shape domestic accountability and vice versa, Labuda uses three-tiered typology ICT state relations based on accommodation, iteration and isolation.[6] Accordingly, the turn to domestication of accountability measures for serious international crimes is regarded as paradigm shift in how international criminal law is institutionalised, rationalised and enforced.[7]

In substance the book is a well-documented account of how International Criminal Tribunal for Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL) and the ICC have contributed to domestic accountability by exercising or not their

3 Labuda *International Criminal Tribunals and Domestic Accountability* 3.
4 Labuda *International Criminal Tribunals and Domestic Accountability* 7.
5 Labuda *International Criminal Tribunals and Domestic Accountability* 8.
6 Labuda *International Criminal Tribunals and Domestic Accountability* 8.
7 Labuda *International Criminal Tribunals and Domestic Accountability* 8.

jurisdictional delineations, their relations with domestic authorities and a variety of factors that often fail to align the vision, expectations, priorities, mandates and partialities of ICTs. In the analyses and comparisons of these, the author synthesises with empirical evidence and research from other scholars. Deriving from dialogues and investigations in Rwanda, the Democratic Republic of Congo and Sierra Leone, a three-dimensional structure is developed, articulating the relational dynamics between states and Tribunals. To this, the author recommends more compelling and energetic interactions between international and domestic collaborators in solidifying the enforcement of international criminal law.

The book emphasises that while one of these three relationships may transpire at different points in time of the ICTs, certain elements of institutional design seem more conducive to positive, iterative relationships. As some ICT mandates could generate conditionality-based relations which may in turn influence states' accountability preferences over time, other institutional designs features are likely to foster accommodative divisions of labour, with others resulting in insolation.[8] On these ideal relations between governments and international actors, Labuda takes a normative stance opting for iteration defined as a "push pull relationships between international civil servants and government official based on evaluative conditionalities for the exercise of jurisdiction".[9] Iteration, as Labuda's preferred relation for states and ICTs, paves the way for strategic conflict and tactical bargaining between international civil service officials and governments.[10] He further contends that iteration enables debates from a sociolegal perspective on the merits of relying on international and domestic proceedings.

On the contrary, Labuda regards accommodation as constitutive of uncontested division of labour between ICTs and governments and perceives it as risky in its failure of developing inquisitive relations as iteration.[11] Labuda's perspective is that an accommodative relationship sanctions a superficial sense of achieving progress in propagating domestic proceedings, as a result, he categorises it as unintended diversionary complementarity - which he adopts to describe the authoritarian "shadow effect" of international intervention in countries like the DRC and Rwanda.[12] What is insightful to Labuda's argument is the cognisance of the downfalls of iteration dynamics and the failure of its materialisation in practice due to ICTs' preference for mutual accommodation as the dominant relationship

8 Labuda *International Criminal Tribunals and Domestic Accountability* 8-9.
9 Labuda *International Criminal Tribunals and Domestic Accountability* 286.
10 Labuda *International Criminal Tribunals and Domestic Accountability* 38.
11 Labuda *International Criminal Tribunals and Domestic Accountability* 84.
12 Labuda *International Criminal Tribunals and Domestic Accountability* 84, 266.

with states. This outcome, he argues, is a result of the "self-interests" of international civil servants in perpetuating ICTs institutional relevance.[13]

Subsequently, Labuda adopts a cautionary approach towards the new paradigm shift within international criminal law, contending that framing accountability debates in terms of a stark international versus national binary may be part of the problem rather than a solution.[14] Labuda cautions that excessive veneration by international civil servants towards states and an overly deferential stance with states has the likelihood of impacting possibilities of accountability and probable effect of consolidating authoritative power by the domestic elites. The increased attention on the notion of complementarity, particularly as it is regarded by ICT officials, foreign partners, state-based actors in their working relations, capacity building and infrastructure development, may entrench authoritarian practices and romanticise domestic accountability to the exclusion of international practices.[15] Accordingly, Labuda advocates ICTs to engage at national domestic levels, which requires evaluating the quality of national legal systems to enable monitoring national proceedings in achieving domestic compliance with international human rights standards.[16] Labuda's ideation promotes more lively relations between all stakeholders internationally and domestically as a more probable gateway in enforcing international criminal law.

The relevance of the book is in its critical analysis of international criminal law and requisite organisations on international criminal justice in the fight against global impunity. Its contribution is important in that it adds empirical evidence and scholarly debates to this emerging body of interdisciplinary literature. Its rational methods, interpretative social approach pauses the predictability of a purely legalistic evaluation by drawing on socio-legal perspectives into the normative influences that model ICTs and state-based actors. The analysis in the book supported by science-based references, enhances the quest towards lasting solutions to prevalent peculiarities within the normative field explored by the author. The author's ambition for all stakeholders to move beyond "sloganeering" and rhetoric use of terms of generality, challenges stakeholders within the international criminal justice system for solutions that are applicable, constructed on critical inspection and dynamic relations to the disciplines' consensus that the future of international criminal law is domestic.[17]

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13 Labuda *International Criminal Tribunals and Domestic Accountability* 250.
14 Labuda *International Criminal Tribunals and Domestic Accountability* 10-11.
15 Labuda *International Criminal Tribunals and Domestic Accountability* 148, 10.
16 Labuda *International Criminal Tribunals and Domestic Accountability* 292-293.
17 Labuda "International Criminal Tribunals and Domestic Accountability 11, 297-298.

Bibliography

Literature

Labuda *International Criminal Tribunal and Domestic Accountability*
Labuda PI *International Criminal Tribunals and Domestic Accountability: In the Court's Shadow* (Oxford University Press Oxford 2025)

International instruments

Rome Statute of the International Criminal Court (1998)